

JOHN L. BURRIS, SBN 69888
BEN NISENBAUM, SBN 222173
CHRISTOPHER A. DEAN, ESQ., Bar No. 550322
THE LAW OFFICES OF JOHN L. BURRIS
7677 Oakport Street, Suite 1120
Oakland, California 94621
Telephone: (510) 839-5200
Facsimile: (510) 839-3882
John.Burris@johnburrislaw.com
bnisenbaum@gmail.com
chris.dean@johnburrislaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES CORTEZ, an individual, HILMA
CORTEZ , an individual, as co-successors-in-
interest to Decedent Michael Cortez, J.S., a
minor by and through her Guardian Ad Litem,
Serina Sagon, individually and as co-successor-
in-interest to Decedent, L.C., a minor by and
through her Guardian Ad Litem, Ashley
Mabutas, individually and as co-successor-in-
interest to Decedent.

Plaintiffs,
vs.

UNITED STATES OF AMERICA,
Defendants.

M.P.C., a minor, by his mother Justine Pasion,
successor –in-interest to Decedent Michael
Cortez,

Nominal Defendant.

CASE NO.: 3:23-cv-01222-MMC

**SUPPLEMENTAL DECLARATION OF JOHN
L. BURRIS IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL FOR PLAINTIFFS**

Date of Hearing: May 17, 2024

Time: 9:00 a.m.

Location: Courtroom 7 , 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

1 I, John L. Burris, declare:

2 1. I am over 18 years old and I am an attorney for the Plaintiffs in the above-captioned
3 matter.

4 2. The facts set forth in this declaration are personally known to me. If called as a
5 witness, I could and would competently testify as follows:

6 3. Plaintiffs and Movant have reached an impasse based on irreconcilable differences. In
7 addition, counsel has become aware of information that makes it impossible to proceed.

8 4. Nominal Defendants and Movant have reached an impasse based on irreconcilable
9 differences. In addition, counsel has become aware of information that makes it impossible to
10 proceed.

11 5. Justinne Pasion and Movant have reached an impasse based on irreconcilable
12 differences. In addition, counsel has become aware of information that makes it impossible to
13 proceed.

14 6. Furthermore, Plaintiffs and Nominal Defendants are in the process of seeking new
15 counsel and have requested a copy of their files, Counsel's withdrawal will not cause any prejudice or
16 delay in this case.

17 7. Movant would also like to advise this honorable Court that we have been retained as
18 counsel for the three minors, children of decedent, by and through their respective three mothers as
19 their Guardians ad Litem. We have also advised the mothers that we are dissolving our attorney-client
20 relationship with respect to our representation of the minors.

21 8. To clarify, Movant became aware of the existence of Justinne Pasion and minor M.P.C.
22 on or around the time the Third Amended Complaint was filed. Movant did not represent Justinne
23

Pasion and minor M.P.C. when the Third Amended Complaint was filed and therefore named minor M.P.C as a nominal Defendant. Movant was retained as counsel for Justinne Pasion and minor M.P.C. after the Third Amended Complaint was filed and learned of Justinne Pasion and minor M.P.C.'s relationship with decedent. Justinne Pasion has not been added as a party to this matter but has retained our firm as counsel.

9. To be specific, Movant seeks an order of withdrawal to Plaintiff Michael Cortez *as an individual and co-successor-in-interest to Decedent Michael Cortez.*

10. Movant seeks an order of withdrawal to Plaintiff Hilma Cortez *as an individual and co-successor-in-interest to Decedent Michael Cortez.*

11. Movant seeks an order of withdrawal to Plaintiff J.S. *a minor by and through her Guardian Ad Litem Serina Sagon.*

12. Movant seeks an order of withdrawal to Plaintiff L.C. *a minor by and through her Guardian Ad Litem Ashley Mabutas.*

13. Movant seeks an order of withdrawal to nominal Defendant M.P.C *a minor, by and through his mother Guardian Ad Litem Justinne Pasion.*

14. Movant seeks an order of withdrawal to Justinne Pasion, *an individual and co-successor-in-interest to Decedent Michael Cortez.*

15. Based on these facts, the Law Offices of Burriss Nisenbaum Curry & Lacy, LLP respectfully requests that the Court dismiss the firm as counsel.

16. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and if called as a witness, I could and would competently testify thereto. This Declaration is signed on April 11, 2024.

I informed Plaintiffs and Nominal Defendants in writing of our intent to withdraw from representation

17. I first contacted Charles Cortez on January 18, 2024 by telephone. During that conversation, he stated that he would seek other counsel and a second opinion. I have engaged in a lengthy email conversation with Mr. Cortez regarding our intent to withdraw.

18. I first contacted Hilma Cortez on January 18, 2024 by telephone and email. During that conversation, she stated that she would seek a second opinion. I have engaged in a lengthy email conversation with Ms. Cortez regarding our intent to withdraw.

19. On January 24, 2024 I contacted Justinne Pasion, Guardian Ad Litem to Nominal Defendant M.P.C. in regards to our intent to withdraw. I have engaged in a lengthy email conversation with Ms. Pasion regarding our intent to withdraw as counsel for Ms. Pasion and Nominal Defendant M.P.C.

20. On January 24, 2024 I contacted Serina Sagon, Guardian Ad Litem to Plaintiff J.S. in regards to our intent to withdraw. I engaged in a lengthy email conversation with Ms. Sagon regarding our intent to withdraw as counsel for Plaintiff J.S.

21. On January 24, 2024 I contacted Ashley Mabus, Guardian Ad Litem to Plaintiff L.C. in regards to our intent to withdraw. I engaged in a lengthy email conversation with Ms. Mabus regarding our intent to withdraw as counsel for Plaintiff L.C.

22. It is my understanding that they intend to seek other counsel.

There is good cause to allow us to withdraw from representation

23. All of the above facts amount to good cause to allow us to withdraw from the case. The clients refuse to follow our advice. At this point, substantive litigation has not begun on this case.

1 In addition, the parties have requested the court to extend the briefing schedule and continue hearing
2 dates. Thus, this would be an opportunity for Plaintiffs, Nominal Defendants, and other interested
3 parties to find new counsel.
4

5 I declare under penalty of perjury under the laws of the United States that the foregoing is true
6 and correct and that this declaration was executed on April 11, 2024 in Oakland, California.

7 Dated: April 11, 2024

/s/ John L. Burris

8 John L. Burris
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28